IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 4TH JUNE 2007 / 14TH JYAISHTA 1929

Tr.P(C).No. 61 of 2007()

OP.802/2006 of FAMILY COURT, THIRUVALLA

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PETITIONER/IST RESPONDENT/RESPONDENT

VINCI ACHYAMMA THOMAS, PUTHENVEETIL
HOUSE, PAKKIL KARA, NATTAKOM VILLAGE,
KOTTAYAM DISTRICT.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR
SRI.R.V.SREEJITH

RESPONDENTS: PETITIONER & RESPONDENT/PETITIONER

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1. DR.JACOB GEORGE,
KAIPPALLIL HOUSE, KANIYOOR VILLAGE,
KANIYOOR KARA, PATHANAMTHITTA DISTRICT.

2. P.PUNNOOSE THOMAS, PUTHENVEETTIL HOUSE,
PAKKIL KARA, NATTAKOM VILLAGE,
KOTTAYAM DISTRICT.

R1 BY ADV. SRI.R.SANTHOSH BABU

THIS TRANSFER PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 04/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

M.N.KRISHNAN, J.

Tr.P.C.No. 61 OF 2007

Dated this the 4th June, 2007.

JUDGMENT

This transfer petition is preferred requesting to transfer O.P(G&W)801/06 and O.P(Div.)802/06 pending before the Family Court, Thiruvalla to Family Court, Ettumanoor. The petitioner is residing in a place called Pakkil. According to the petitioner the distance from Pakkil to Ettumanoor is 14 1/2 kms. and to Thiruvalla is 25 1/2 kms. The respondents would say that the distance between Pakkil to Ettumanoor is 18 kms. and if it is by train it is equidistant. Maintenance case was filed by the wife and it was decreed and according to the petitioner the execution is pending before the Ettumanoor Family Court. The difference in distance between the two family courts from the place of residence of the transfer petitioner is so trivial that one cannot take it as a ground for transfer of the case. Either way she has to travel some distance from her place to reach the Family Court at Ettumanoor or Family Court at Thiruvalla. I find that the main cases are pending at the Family Court, Thiruvalla and what is pending before the Family Court, Ettumanoor is only the execution of a maintenance case. So far as the cost and other expenses are concerned, there are relevant provisions under

the Act to direct the husband to deposit in advance the expenses incurred. Our Supreme Court has said that in transfer of matrimonial cases the court should consider it on the facts and circumstances of each case. The mere allegation of some inconvenience for the wife shall not be a ground for transfer where the matters are instituted in Courts having competency to try the case. After hearing both sides, I am satisfied that there exists no valid ground for a transfer. Transfer petition is therefore dismissed.

If there is any dispute regarding the competency of a court to hear the matter, it is a separate issue that can be brought before the court by the aggrieved parties.

M.N.KRISHNAN
Judge

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